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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,253	11/02/2001	David Chao	7115.026	2778

32361 7590 09/16/2003

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NEW YORK, NY 10022

EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,253

Applicant(s)

CHAO, DAVID

Examiner

Jila M Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species VII in Paper No. 9 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson (GB 1,593,152). Atkinson discloses a container for storing an item, comprising a body (cylindrical tube) defining an interior space for storing the item; an opening through which the item can be stored in the body and removed therefrom; a closure element (cap 3) having an open position permitting access to the interior space and a closed position closing the interior space; and a calculator located on the container. See the Figure embodiment and column 1, lines 18-26.
4. Claims 43- 44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Chu (des. 410,672). Chu discloses a container (CD box) for storing an item, comprising a body (CD tray) defining an interior space for storing the item; an opening through which the item can be stored in the body and removed therefrom; a closure element (CD cover) having an open position permitting access to the interior space and

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a closed position closing the interior space; and a calculator located on the container.

See Figure 1 embodiment.

5. Claims 43- 44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Terkildsen (5,115,893). Terkildsen discloses a container (carrying case 10) for storing an item comprising a body (bottom panel 14) defining an interior space for storing the item; an opening through which the item can be stored in the body and removed therefrom; a closure element (top panel 12) having an open position permitting access to the interior space and a closed position closing the interior space; and a calculator (48) located on the container. See Figure 1-5 embodiments.

6. Claims 43-47 are rejected under 35 U.S.C. 102(a) as being anticipated by Sutton (6,179,025). Sutton '025 discloses a container for storing an item, comprising a body (12) defining an interior space for storing the item; an opening through which the item can be stored in the body and removed therefrom; a closure element (flap 19) having an open position permitting access to the interior space and a closed position closing the interior space; and a calculator located on the container. See Figure 3 embodiment and column 5, lines 61-64.

With respect to claims 45 and 47 and the item being a pair of eyeglasses, see column 5, lines 24-26.

With respect to claim 46, the first portion (body 12) and the second portion (closure flap 190 are hinged together.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terkildsen in view of Bowers (6,24,400). Terkildsen as described above discloses all the limitations of the claims except that it is silent about storing a pair of eyeglasses in the container. Bowers discloses a container (carrying case 1) within which a variety of different personal and business modules such as calculators (42) and eyeglasses (38) are to be stored and transported. (See Figure 3 and column 4, lines 31-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to also store a pair of eye glasses in the carrying case of Terkildsen as taught by Bowers.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are containers analogous to applicant's instant invention.

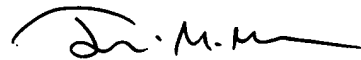
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandesi whose telephone number is (703) 305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

**JILA M. MOHANDESI
PRIMARY EXAMINER**


Jila M Mohandesi
Primary Examiner
Art Unit 3728

JMM
September 11, 2003